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AN ORDINANCE *See below*  
 BY COUNCILMEMBER JENNIFER N. IDE, MATT WESTMORELAND, J.P. MATZIGKEIT, AMIR FAROKHI, DUSTIN HILLIS, ANDRE DICKENS, HOWARD SHOOK AND NATALYN M. ARCHIBONG  
 AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES CHAPTER 2 (ADMINISTRATION), ARTICLE VII (OFFICERS AND EMPLOYEES) TO CREATE A NEW DIVISION 3 TITLED THE OFFICE OF INDEPENDENT COMPLIANCE; AND FOR OTHER PURPOSES.

*J. Matthews*  
 ADOPTED BY  
 COUNCIL  
 1-22-19  
 Substituted MAR 0 4 2019

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1<sup>ST</sup> ADOPT 2<sup>ND</sup> READ & REFER
- PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred:

Referred To:

First Reading

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee Finance/Executive  
 Date 1/30/19  
 Chair \_\_\_\_\_  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other on substitute  
 Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

\* Committee Finance/Executive  
 Date 2/27/19  
 Chair H. Hillis  
 Action \_\_\_\_\_  
 Fav, Adv, Hold (see rev. side) (Fav)  
 Other substituted (#2)  
 Members See below  
 Refer To \_\_\_\_\_

FINAL COUNCIL ACTION  
 2<sup>nd</sup>  1<sup>st</sup> & 2<sup>nd</sup>  3<sup>rd</sup>  
 Readings  
 Consent  V Vote  RC Vote

CERTIFIED  
 MAR 0 4 2019  
 ATLANTA CITY COUNCIL PRESIDENT  
*Leisa D. Hope*

CERTIFIED  
 MAR 0 4 2019  
 MUNICIPAL CLERK

MAYOR'S ACTION  
 APPROVED  
 MAR 1 2 2019  
 MAYOR  
*Steph Burt*

OMC Confirmed substitute in ELMS





**AN ORDINANCE BY COUNCILMEMBERS**

**JENNIFER N. IDE, MATT WESTMORELAND, J.P. MATZIGKEIT, AMIR R. FAROKHI, DUSTIN HILLIS, ANDRE DICKENS, HOWARD SHOOK, NATALYN M. ARCHIBONG, CARLA SMITH, AND MARCI COLLIER OVERSTREET**

**AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE (#2)**

**AN ORDINANCE TO AMEND THE CITY OF ATLANTA CODE OF ORDINANCES PART II (CODE OF ORDINANCES – GENERAL ORDINANCES), CHAPTER 2 (ADMINISTRATION), ARTICLE VII (OFFICERS AND EMPLOYEES), DIVISION 2 (STANDARDS OF CONDUCT) TO EXPAND THE COMPOSITION OF AND RENAME THE BOARD OF ETHICS SUCH THAT IT SHALL BE THE BOARD OF ETHICS AND INDEPENDENT COMPLIANCE; TO ESTABLISH THE POSITION OF THE INDEPENDENT COMPLIANCE OFFICER, ITS JURISDICTION, AND DUTIES AND RESPONSIBILITIES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta desires to increase its commitment to transparency, compliance, and other factors that would provide its citizens with the assurance that the City and its employees are conducting business in a manner that is honest, transparent, lawful, and in the sole interests of its residents; and

**WHEREAS**, the prevention of non-compliance with applicable law, fraud, corruption and abuse in the agencies of city government is a responsibility of the city; and

**WHEREAS**, it is the desire of the City of Atlanta to expand the composition of, and rename the City of Atlanta board of ethics such that it shall be known as the board of ethics and independent compliance; and

**WHEREAS**, the board of ethics and independent compliance shall consist of 11 members, which in addition to the incumbents of the current board of ethics, shall include members experienced in auditing, fraud examination, accounting, and prosecutorial procedures; and

**WHEREAS**, the board of ethics and independent compliance shall appoint and shall have purview over the independent compliance officer and matters under its jurisdiction; and

**WHEREAS**, it is the desire of the City of Atlanta to establish the position of the independent compliance officer which shall have the authority to investigate and take remedial action concerning allegations of waste fraud and abuse throughout the City of Atlanta government, actions of certain officials and employees concerning alleged violations of the Personnel Code, the Procurement and Real Estate Code, and the Transparency Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**SECTION 1:** That Chapter 2, Article VII, Division 2, be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

DIVISION 2. – ETHICS AND INDEPENDENT COMPLIANCE / STANDARDS OF CONDUCT



**SECTION 2:** That Chapter 2, Article VII, Division 2, Sections 2-802 through 2-807, be amended so that they shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 2-802. - Purpose.

It is the purpose of this division to:

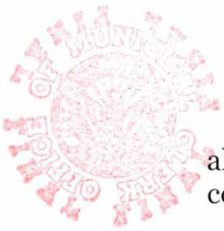
- (1) promote the objective of protecting the integrity of the government of the city by prohibiting any official or employee from engaging in any business, employment or transactions, from rendering services or from having contractual, financial, or personal interests, direct or indirect, which are in conflict with or which would create the justifiable impression in the public of conflict with the proper discharge of the official or employee's official duties or the best interest of the city or which would tend to impair independence or objectivity of judgment or action in the performance of official duties; and
- (2) ~~It is also the purpose of this division to~~ require disclosure of the assets and income of elected officials and certain employees so that the public may review actual and potential conflicts of interest; and
- (3) ~~It is also the purpose of this division to~~ monitor contractors of the City of Atlanta for any conflicts of interest; and
- (4) ~~Finally, it is the purpose of this division to~~ provide for an orderly and fair process for raising and addressing ethical questions and for disciplining those officials and employees and other persons who violate these standards of conduct; and
- (5) reasonably ensure that the city, and its officials and employees are complying with all applicable laws, rules and regulations, and internal policies and procedures; and
- (6) to provide and enforce standards of practice related to the performance and financial operation of the city following allegations of waste, fraud and abuse.

Sec. 2-803. - Reporting violations.

Any person who witnesses or becomes aware of a violation of this division may complain of that violation as follows:

- (1) By appearing before a judge of the municipal court, the city solicitor or the solicitor's assistant and swearing out a complaint for the violation. Upon signing the complaint, under oath, a warrant may be issued by the municipal court for the accused to appear and answer the charges; or
- (2) By communicating with the ethics officer or the independent compliance officer. Where a complaint is communicated anonymously to the ethics officer or the independent compliance officer, such complaint shall be made in good faith, and with veracity and sufficient specificity so as to provide the ethics officer with salient and investigable facts. The ethics officer or independent compliance officer may require the anonymous complaint to be made in a manner and form that is intended only to obtain relevant facts related to the





alleged violation of this division, and that is not designed to reveal the identity of the complainant; or

- (3) By filing a sworn written complaint with the ethics officer, independent compliance officer, or the board of ethics and independent compliance, as described in this division. All written complaints to be considered by the board of ethics and independent compliance and the ethics officer or independent compliance officer shall contain the following if applicable:
- a. The name and address of the person or persons who file the complaint.
  - b. The sworn verification and signature of the complainant.
  - c. The name and address of the party or parties against whom the complaint is filed, and if such party is a candidate and the office being sought.
  - d. A clear and concise statement of acts upon which the complaint is based along with an allegation that such facts constitute one or more violations of law under the jurisdiction of the board of ethics and independent compliance.
  - e. A general reference to the statutory provision(s) of the Code within the jurisdiction of the board of ethics and independent compliance allegedly violated.
  - f. Any further information which might support the allegations in the complaint including, but not limited to, the following:
    1. The name and address of all other persons who have firsthand knowledge of the facts alleged in the complaint; and
    2. Any documentary evidence that supports the facts alleged in the complaint.

(4) Preliminary action on complaint. Upon receipt of a complaint whether by the ethics officer or independent compliance officer or by the ~~ethics~~ board, the ethics officer, the independent compliance officer, or the secretary of the ~~ethics~~ board shall send a written notice to the subject of the complaint by the next business day. Both this notice and any subsequent documents are subject to the Georgia Open Records Act.

(5) Defective complaint. Upon receipt of a written, non-anonymous complaint which does not conform to the applicable requirements of paragraph (3) of this section, the ethics officer, or the independent compliance officer, shall by letter acknowledge receipt of the complaint and advise complainant of the defect in the complaint and that the complaint will not be considered by the board ~~of ethics~~ unless the defect is corrected.

Sec. 2-804. - Board of ethics and independent compliance.

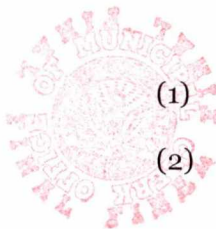
(a) There is hereby continued in existence an independent board of ethics and independent compliance to consist of ~~seven~~ eleven members, all of whom shall be known for their personal integrity and all of whom shall be residents of and domiciled in the city. It is further urged that the members of the board of ethics and independent compliance shall



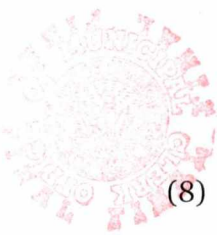
reflect the diversity of the city with regard to race, color, creed, religion, gender, marital status, parental status, familial status, sexual orientation, national origin, gender identity, age and disability. At all times, at least ~~three~~ five members shall be attorneys licensed to practice law in the State of Georgia.

- (b) Appointments to the independent board of ethics and independent compliance shall be made by the mayor and city council, the governing authority of the City of Atlanta. Nominations to the board may be made by the following organizations:
- (1) The Atlanta Bar Association may nominate one member, chosen from the attorney members of the association;
  - (2) The Gate City Bar Association may nominate one member, chosen from the attorney members of the association-;
  - (3) The Atlanta Business League may nominate one member, chosen from the organizations that are members of the league, which member shall not be an attorney;
  - (4) The Metro Atlanta Chamber of Commerce may nominate one member from the organizations that are members of the chamber, which member shall not be an attorney;
  - (5) The Atlanta-Fulton County League of Women Voters may nominate one member, which member shall not be an attorney-;
  - (6) The Atlanta Planning Advisory Board may nominate one member, which member shall not be an attorney nor an officer of a neighborhood planning unit-;
  - (7) The seven major universities/colleges within the city (Georgia State University, Georgia Institute of Technology, Clark Atlanta University, Emory University, Morehouse College, Morris Brown College, and Spelman College) may collectively nominate one member- ;
  - (8) The National Association of State Auditors, Comptrollers, and Treasurers, may nominate one member, chosen from the members of the association;
  - (9) The Association of Certified Fraud Examiners may nominate one member, chosen from the members of the association, which member shall be an attorney;
  - (10) The Georgia Society of Certified Public Accountants may nominate one member, chosen from the members of the society, which member shall not be an attorney;
  - (11) The Prosecuting Attorneys Council of Georgia may nominate one member, chosen from the attorney members thereof, which member shall have experience as a prosecuting attorney.
- (c) The members shall each serve for terms of three years; without compensation. The members shall elect a chair and develop their own organization internally.
- (d) The position of a member of the board shall be deemed vacated:



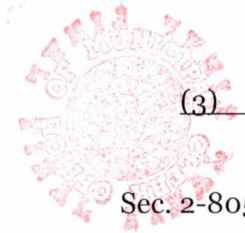


- (1) Upon the expiration of his or her term;
  - (2) Upon the death of a member or the disability or incapacity of a member for more than 90 days;
  - (3) Upon the written resignation of the member, tendered to the board of ethics;
  - (4) By the member ceasing to be a resident of the city; or
  - (5) Upon removal of the member for good cause by a majority vote of the board of ethics;
  - (6) Nominees for the board of ethics and independent compliance, the independent compliance officer, and the ethics officer shall be subject to an education and employment background check as well as a criminal history check. Nominees shall execute all releases necessary for the department of personnel and human resources and the department of police to accomplish the same. If the nominee is determined to have committed a felony, the nomination shall be withdrawn.
- (e) Members shall be prohibited from engaging in city election political activities and from making campaign contributions to candidates in city elections during their terms as board members. Violations of this subsection may be punished by removal from board membership by a majority vote of the members.
- (f) The board of ethics shall:
- (1) Elect a chair by majority vote of the serving members. Each chair will serve a one-year term and shall be eligible to serve as chair in successive years.
  - (2) Elect a vice-chair to preside in the absence of the chair. The vice-chair will serve a one-year term and shall be eligible to serve as vice-chair in successive years.
  - (3) Elect a secretary to provide administrative assistance to the board.
  - (4) Hold regular monthly meetings at City Hall. Such meetings shall be televised. All meetings of the board shall be conducted as required by the Georgia Open Meetings Act.
  - (5) Conduct its business only with a quorum. A majority opinion of the members sitting at any hearing shall govern as to decisions of the board. In no event shall a decision of the board be voted upon by fewer than four members.
  - (6) Be free to contract for the services of a competent court reporter to take down statements, testimony and discussions at its meeting or to use in lieu thereof a competent person adept at shorthand reporting and/or mechanical transcribing devices, whichever method is from time to time desired by the board, such services to be paid for by the city.
  - (7) Maintain all records in the office of the ethics officer, or the office of the independent compliance officer, as required by the Georgia Open Records Act.



- (8) Report, as appropriate, suspected ethical and criminal violations to state or federal law enforcement agencies.
  - (9) Notify the ethics officer or the independent compliance officer of any report of an alleged violation of the code of ethics or of matters under the jurisdiction of the independent compliance officer received by the board.
  - (10) Establish procedures to notify the subject of any report of an alleged violation of the code of ethics or of matters under the jurisdiction of the independent compliance officer as required by the Georgia Open Records Act.
- (g) The city shall pay all administrative costs, including those specifically stipulated in this section, pertaining to the operation of the board ~~of ethics~~.
- (h) The board shall have the authority to prescribe rules and regulations pursuant to this division to administer the financial disclosure process and to issue opinions under this division. The board shall prescribe appropriate financial disclosure forms, instructions and methods of disclosure as required to comply with the requirements of disclosure of income and financial interests found at section 2-814.
- (i) Except as otherwise provided in this division, the meetings of the board will be governed by Robert's Rules of Order.
- (j) The board shall render an ethics advisory opinion based upon a real or hypothetical set of circumstances, when requested in writing by anyone who is an official or employee of the city or a member of a board, council, committee or commission who is personally involved in a matter requiring interpretation of the ethics code. Any person requesting an opinion in accordance with this section who has made a full and complete disclosure of all relevant facts shall be entitled to rely on the opinion or finding of the board ~~of ethics~~ as a guide to the conduct of such person in the person's relations to and with the city. Compliance with the opinion or finding of the board ~~of ethics~~ shall serve in mitigation in any proceedings against such person for violation of this division. Advisory opinions based upon current law shall be maintained as required by the Georgia Open Records Act.
- (k) The board ~~of ethics~~ shall have the authority to investigate any alleged violation of the code of ethics as follows:
- (1) Upon a sworn written complaint by any person in a form prescribed by the board;
  - (2) Upon the request of the ethics officer; or
  - (3) Upon the determination by a majority of the board that any matter should be investigated.
- (l) The board shall have the authority to investigate any alleged violation under the jurisdiction of the independent compliance officer as follows:
- (1) Upon a sworn written complaint by any person in a form prescribed by the board;
  - (2) Upon the request of the independent compliance officer; or



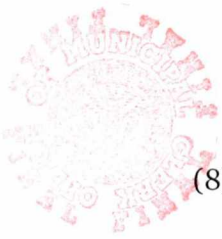


(3) Upon the determination by a majority of the board that any matter should be investigated.

Sec. 2-805. - Ethics officer.

- (a) There is hereby created as a full time salaried position an ethics officer for the city. The city ethics officer must be an active member of the Georgia Bar Association in good standing with five years experience in the practice of law. The ethics officer shall be appointed by a majority of the members of the board of ethics for a period of five years, subject to confirmation by a majority of the council and approval by the mayor. Removal of the ethics officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics.
- (b) ~~The ethics officer need not be a resident of the city at the time of his or her appointment, but he or she shall reside in the city within six months of such appointment and continue to reside therein throughout such appointment~~ Reserved.
- (c) The ethics officer shall not be involved in partisan or nonpartisan political activities or the political affairs of the city.
- (d) The duties of the ethics officer shall include, but not be limited to, the following:
  - (1) Educating and training all city officials and employees to have an awareness and understanding of the mandate for and enforcement of ethical conduct and advising of the provisions of the code of ethics of the city;
  - (2) Maintaining the records of the board of ethics as required by the Georgia Open Records Act;
  - (3) Meeting with the board of ethics;
  - (4) Advising officials and employees regarding disclosure statements and reviewing same to ensure full and complete financial reporting;
  - (5) Urging compliance with the code of ethics by calling to the attention of the board of ethics any failure to comply or any issues, including the furnishing of false or misleading information, that the ethics officer believes should be investigated by the board so that the board may take such action as it deems appropriate;
  - (6) Monitoring, evaluating and acting upon information obtained from an "ethics hotline" which shall be a city telephone number for the receipt of information about ethical violations. Each complaint, as of the time it is reported, whether by telephone or otherwise, shall be deemed to be a separate pending investigation of a complaint against a public officer or employee as provided by the Georgia Open Records Act;
  - (7) Notifying the subject of a report of any alleged violation of the ethics code, whether the report is anonymous, made by an identified individual or is written. Such notice shall be given in writing, by facsimile or hand delivery, to the subject of the complaint at the same time and in the same form that any disclosure of information is required by the Georgia Open Records Act;



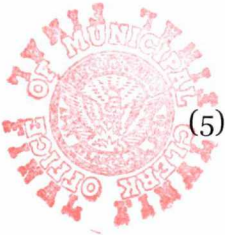


- (8) Notifying the board ~~of ethics~~ of any report of an alleged violation of the ethics code received by the ethics officer;
- (9) Reporting, as appropriate, suspected ethical violations to the city board of ethics and independent compliance;
- (10) Reporting, as appropriate, suspected criminal violations to state or federal law enforcement agencies; and
- (11) Filing with the board, the mayor and the council each January a written report describing the activities of the ethics officer in carrying out the goals of his or her office and the code of ethics and reporting on the ethical health of the city.

Sec. 2-806. - Investigations and hearings.

The board ~~of ethics~~ shall conduct investigations into alleged violations of the ethics code and of matters under the jurisdiction of the independent compliance officer, hold hearings and issue decisions as prescribed below:

- (1) The proceedings of the board and records shall be open unless otherwise permitted by state law.
- (2) Upon request of the board ~~of ethics~~, the city attorney, or any attorney representing the city attorney's office, or in the event of a conflict, any attorney who shall be selected by a majority of the board and who will provide pro bono services to the board, shall advise the board of ethics.
- (3)
  - a. Preliminary investigation of complaint. The ethics officer or the independent compliance officer, shall conduct a preliminary investigation of any complaint and provide a written report to the board ~~of ethics~~ discussing the ~~ethics officer's~~ findings and recommend to the board ~~of ethics~~ whether there is probable cause for belief that this division, or any matters under the jurisdiction of the independent compliance officer ~~has~~ have been violated warranting a formal hearing.
  - b. If the board determines after the preliminary investigation of a complaint that there does not exist probable cause for belief that this division has been violated, the board shall so notify the complainant and the subject of the investigation. If the board determines after a preliminary investigation of the complaint that there does exist probable cause for belief that this division, or any matters under the jurisdiction of the independent compliance officer ~~have~~ has been violated, the board shall give notice to the person involved to attend a hearing to determine whether there has been such a violation ~~of this division~~.
- (4) For use in proceedings under this division, the board shall have the power to issue subpoenas to compel any person to appear, give sworn testimony, or produce documentary or other evidence. Any person who fails to respond to such subpoenas may be subjected to the penalties set forth in section 2-807 of this division.



(5)

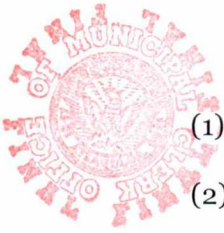
All hearings of the board pursuant to this section shall be as follows:

- a. All testimony shall be under oath, which shall be administered by a member of the board. Any person who appears before the board shall have all of the due process rights, privileges and responsibilities of a witness appearing before the courts of this state. Any person whose name is mentioned during a proceeding of the board and who may be adversely affected thereby may appear personally before the board on such person's own behalf or may file a written sworn statement for incorporation into the record to be made part of all proceedings pursuant to this subsection.
- b. The board's decision shall be governed by a preponderance of the evidence standard.
- c. At the conclusion of proceedings concerning an alleged violation, the board shall immediately begin deliberations on the evidence and proceed to determine by a majority vote of members present whether there has been a violation of this division. The findings of the board concerning a violation and the record of the proceedings shall be made public by the board as soon as practicable after the determination has been made.

Sec. 2-807. - Violations; appeals.

- (a) Any intentional violation of this division, a matter under the jurisdiction of the independent compliance officer, or the furnishing of false or misleading information to the ~~board of ethics, or the ethics officer,~~ the independent compliance officer, or the failure to follow an opinion rendered by the board or the failure to comply with a subpoena issued by the board pursuant to this division shall subject the violator to any one or more of the following:
  - (1) Administrative sanction of not more than \$1,000.00 assessed by the ~~board of ethics~~;
  - (2) Public reprimand by the ~~board of ethics~~; and
  - (3) Prosecution by the city solicitor in municipal court and, upon conviction, to a fine of up to \$1,000.00 per violation and up to six months imprisonment, whether the official or employee is elected or appointed, paid or unpaid. Nothing in this section shall be interpreted to conflict with state law. An action for violation of this division or the furnishing of false or misleading information or the failure to comply with a subpoena issued by the board must be brought within two years after the violation is discovered.
- (b) With regard to violations by employees, in addition to the remedies in paragraph (a) the board may recommend any one or more of the disciplinary actions set forth in section 114-502.
- (c) With regard to violations by persons other than officials or employees, in addition to the remedies in paragraph (a) the board may recommend to the purchasing director any one or more of the following:





- (1) Suspension of a contractor; and
  - (2) Disqualification or debarment from contracting or subcontracting with the city.
- (d) The decision of the board after a hearing shall be final; provided, however, that such proceeding shall be subject to review by writ of certiorari to the superior court of the county. The board's designee shall be authorized to acknowledge service of any such writ and shall, within the time provided by law, certify and cause to be filed with the clerk of the superior court a record of the proceedings before the board, the decision of the board and the notice of the board's final actions.
  - (e) The value of any gratuity transferred or received in breach of the provisions of this division may be recovered from either the receiving official or employee or the person or entity providing the gratuity, for deposit in the City of Atlanta General Fund.
  - (f) All violations of this division shall be prosecuted in accordance with chapter 62, article II, division 2 of this Code.

**SECTION 3:** That Chapter 2, Article VII, Division 2, Section 2-810, Subsection (b), be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 2-810. - Representation after separation from employment.

- (b) There shall be a presumption, subject to case-by-case review by the Atlanta Board of Ethics and Independent Compliance, ~~the independent compliance officer~~, or the ethics officer, that the appearance of a former official or employee of the city before any city agency on behalf of a public entity as defined in section 2- 801 is not a violation of this section.

**SECTION 4:** That Chapter 2, Article VII, Division 2, Section 2-813, Subsection (b)(19) be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

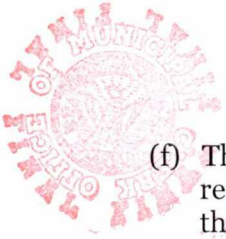
Sec. 2-813. - Disclosure of interests.

- (b) The officials and employees covered by this section shall be as follows:
  - (19) City ethics officer and independent compliance officer;

**SECTION 5:** That Chapter 2, Article VII, Division 2, Section 2-814, Subsections (b)(19), (f), and (g) be amended so that they shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 2-814. - Disclosure of income and financial interests.

- (b) The following officials and employees shall be required to file annual statements disclosing information set forth in subsection (a) of this ordinance:
  - (19) City ethics officer, associate ethics officer, ~~and all employees of the ethics office, and City independent compliance officer, associate independent compliance officer, and all employees of the independent compliance office~~;



- (f) The ethics officer shall prepare and forward to the board of ethics a report of all persons required to file under this section, those who have complied with the filing requirements, those who have filed a late or incomplete statement, and those who have failed to file a disclosure statement. The ethics officer shall be responsible for collecting all administrative sanctions levied by the board of ethics under this section for deposit to the City of Atlanta General Fund.
- (g) ~~For the year 2002 only: A list of employees to be provided by the chief operating officer pursuant to paragraph (e) of this section shall be provided within five days after this ordinance is signed by the mayor. Because the board of ethics will not have had sufficient time to prescribe a new financial disclosure form as provided in section 2-804(h) of this division, copies of the current disclosure form must be distributed as required by paragraph (e) no later than ten days after receipt of the list of employees. Every official and employee required to file an annual disclosure statement must do so within 35 days after this ordinance is signed by the mayor.~~

**SECTION 6:** That Chapter 2, Article VII, Division 2, Section 2-820, Subsection (d) be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 2-820. - Incompatible interests.

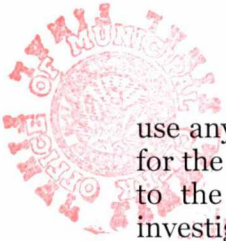
- (d) Commissioners, deputy commissioners, department heads, chief operating officer, deputy chief operating officers, chief of staff, deputy chiefs of staff, bureau directors, and employees of the office of the mayor who report directly to the mayor shall not engage in any private employment or render any services for private interests for remuneration, regardless of whether such employment or service is compatible with or adverse to the proper discharge of the official duties of such employee. However, the employees named in this paragraph may engage in private employment or render services for private interests only upon obtaining prior written approval from the board of ethics in accordance with this paragraph. The board of ethics shall review each request individually and provide written approval or disapproval of the notification within 30 days. All requests for approval of outside employment shall state the type and place of employment, the hours of work, and the employer's name and address. City employment shall remain the first priority of the employee, and if at any time the outside employment interferes with city job requirements or performance, the official or employee shall be required to modify the conditions of the outside employment or terminate either the outside employment or the city employment. This paragraph shall not apply to single speaking engagements or to participation in conferences or on professional panels; provided, however, that any expense reimbursements received for such engagements must be reported in accordance with section 2-815.

**SECTION 7:** That Chapter 2, Article VII, Division 2, Section 2-823, be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 2-823. - Protection for reporting of violations.

Officials and employees are encouraged to report suspected ethical violations to the ethics officer or the independent compliance officer. No official or employee shall use or threaten to





use any official authority or influence to discourage, restrain or interfere with any other person for the purpose of preventing such person from acting in good faith to report or otherwise bring to the attention of the board of ethics information relating to a an ethics violation or investigation under this division or under the jurisdiction of the independent compliance officer. No official or employee shall use or threaten to use any official authority or influence to effect any action as a reprisal against an official or employee who reports, initiates a complaint, or otherwise brings to the attention of the board of ethics information relating to a board investigation or a violation of this division or of a matter under the jurisdiction of the independent compliance officer an ethics violation.

**SECTION 8:** That Chapter 2, Article VII, Division 2, Section 2-824, be amended so that it shall read as follows (with permanent deletions in strikethrough font and permanent additions in underline font):

Sec. 2-824. - Effective date and interim provisions.

The ~~ethics~~ board members serving on ~~June 8, 2002~~ February 1, 2019 are authorized to remain office through the conclusion of the terms to which they were appointed and to continue to discharge their official duties and responsibilities through such time as the new ethics and independent compliance board is constituted. ~~administer the ethics code until August 5, 2002, or such other time as the new ethics board is constituted.~~ The four additional members of the board of ethics and independent compliance who may be nominated and appointed pursuant to the amendments contained in 19-O-1038 shall, following their appointments serve for terms of three years. The appointments of members in accordance with 19-O-1038 shall in no way affect the terms of the members serving on February 1, 2019.

**SECTION 9:** That Chapter 2, Article VII, Division 2, be amended to add a new Section 2-826 which shall read as follows:

Sec. 2-826. – Independent Compliance Officer / Jurisdiction / Training.

- (a) There is hereby created as a full time salaried position an independent compliance officer for the city. The independent compliance officer must be an active member of the Georgia Bar Association in good standing with at least five years' experience in the practice of law. The independent compliance officer shall be appointed by a majority of the members of the board of ethics and independent compliance for a period of five years, subject to confirmation by a majority of the council and approval by the mayor. Removal of the independent compliance officer before the expiration of the designated term shall be for cause by a majority vote of the members of the board of ethics and independent compliance.
- (b) The independent compliance officer shall not engage in city election political activities and may not make campaign contributions to candidates in city elections during their term. A violation of this subsection shall constitute cause for removal as described in this section.
- (c) *Jurisdiction.* The independent compliance officer shall have the non-exclusive jurisdiction to investigate and take appropriate action regarding:
  - (1) The performance and financial operation of all departments, offices, boards, activities and agencies of the city as referred by the city auditor upon the city



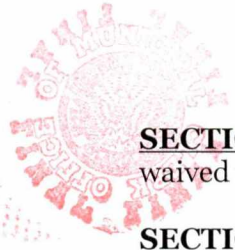
auditor's determination that perceived deficiencies discovered during the city auditor's official duties indicate the presence of waste, fraud, and or abuse;

- (2) Matters under the purview of Independent Procurement Review as referred by the city auditor upon the city auditor's determination that perceived deficiencies discovered during such review indicate the presence of waste, fraud or abuse;
  - (3) Allegations of waste, fraud, or abuse by departments, offices, boards, activities and agencies of the city the independent compliance officer determines independently to be appropriate, or properly referred as outlined in this section;
  - (4) Allegations of violations of Chapter 2, Article X; of Chapter 3; or Chapter 114 of the City Code of Ordinances against the following classes of officials and employees:
    - i. Elected officials;
    - ii. Employees appointed or hired directly by an elected official;
    - iii. Members of any city boards, authorities, commissions, etc. having city representation, whether created or appointed to by the city, and any employees thereof; and
    - iv. Hearing officers.
- (d) *Duties and Responsibilities.* The duties of the independent compliance officer shall include, but not be limited to, the following:
- (1) Educating and training employees and officials in matters under the jurisdiction of the independent compliance officer as approved by the Atlanta City Council pursuant to this division;
  - (2) Maintaining applicable records of the board of ethics and independent compliance as required by the Georgia Open Records Act;
  - (3) Meeting with the board of ethics and independent compliance;
  - (4) Investigating allegations against and recommending specific disciplinary, punitive, or other adverse action, authorized by this division or Chapter 114 of the City Code of Ordinances, to be taken against the classes of officials and employees specified in and in accordance with subsection (c) of this section;
  - (5) Forwarding allegations, reports, and factual determinations regarding violations of laws, rules, regulations, and internal policies related to matters under the jurisdiction of the independent compliance officer to the disciplinary/appointing authority of any officials or employees not specified in subsection (c) of this section, for action in accordance with Chapter 114 of the City of Atlanta Code of Ordinances;
  - (6) Conducting investigations into matters under the jurisdiction of the independent compliance officer referred by the ethics officer, the board of ethics and independent compliance, the mayor, the Atlanta City Council, and the city auditor;





- (7) Monitoring, evaluating and acting upon information obtained from an "independent compliance hotline" which shall be a city telephone number for the receipt of information about violations of matters under the jurisdiction of the independent compliance officer, or by an employee of the city pursuant to Section 3-508 of the City Charter. Each complaint, as of the time it is reported, whether by telephone or otherwise, shall be deemed to be a separate pending investigation of a complaint against a public officer or employee as provided by the Georgia Open Records Act;
  - (8) Urging compliance with laws, rules, regulations, and internal policies related to matters under the jurisdiction of the independent compliance officer by calling to the attention of the board of ethics and independent compliance any failure to comply or any issues, including the furnishing of false or misleading information, that the independent compliance officer believes should be investigated by the board so that the board may take such action as it deems appropriate;
  - (9) Notifying the subject of a report of any alleged violation of a law, rule, regulation, or internal policy related to matters under the jurisdiction of the independent compliance officer, whether the report is anonymous, made by an identified individual or is written. Such notice shall be given in writing, by facsimile or hand delivery, to the subject of the complaint at the same time and in the same form that any disclosure of information is required by the Georgia Open Records Act;
  - (10) Notifying the board of ethics and independent compliance of any report of an alleged violation of a law, rule, regulation, or internal policy related to a matter under the jurisdiction of the independent compliance officer received by the independent compliance officer;
  - (11) Reporting, as appropriate, suspected violations of a law, rule, regulation, or internal policy related to a matter under the jurisdiction of the independent compliance officer to the board of ethics and independent compliance;
  - (12) Reporting, as appropriate, suspected criminal violations to the local, state or federal law enforcement agency with proper jurisdiction; and
  - (13) Reporting, as appropriate, suspected ethical violations of this division to the ethics officer;
  - (14) Issuing reports which provide recommended standards of practice to the applicable departments, offices, and boards of city government following a determination by the city auditor of deficiencies;
  - (15) Filing with the board of ethics and independent compliance, the mayor, and the council each January a written report describing the activities of the independent compliance officer in carrying out the goals of their office and those of the board.
- (e) *Training.* The independent compliance officer shall include in its annual report filed with the board of ethics and independent compliance, the mayor, and the council each January in accordance with this section, a determination of area(s) of greatest concern on which the independent compliance officer proposes to conduct training during the calendar year of the report for approval by the council.

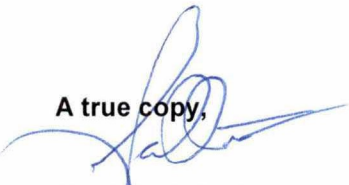


**SECTION 10:** That all ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict only.

**SECTION 11:** That except as otherwise provided herein, that the amendments in this Ordinance shall be effective immediately.

**SECTION 12:** That the Municipal Clerk is instructed to retain all legislative history references in the codified version of Chapter 2, including Editor's notes, and shall not delete any such references, but shall amend them to include this ordinance.

\_\_\_\_\_  
AAR

A true copy,  
  
Municipal Clerk

**ADOPTED by the Atlanta City Council**  
**APPROVED by Mayor Keisha Lance Bottoms**

**MAR 04, 2019**  
**MAR 12, 2019**



**CITY COUNCIL  
ATLANTA, GEORGIA**

03/04/19

ATLANTA CITY COUNCIL

ADOPTED

**RESULT: ADOPTED BY CONSENT VOTE [UNANIMOUS]**

**AYES: Bond, Smith, Westmoreland, Sheperd, Archibong, Shook, Hillis, Boone, Overstreet, Dickens, Ide, Matzigkeit, Farokhi**

**ABSENT: Winslow**

<b>☛ VOTE RECORD - CONSENT</b>						
<input checked="" type="checkbox"/> ADOPTED <input type="checkbox"/> ADVERSED <input type="checkbox"/> FAVORABLE <input type="checkbox"/> ACCEPTED AND FILED <input type="checkbox"/> FIRST READING <input type="checkbox"/> SECOND READING <input type="checkbox"/> THIRD READING <input type="checkbox"/> FOURTH READING <input type="checkbox"/> FIFTH READING <input type="checkbox"/> REFERRED TO COMMITTEE <input type="checkbox"/> HELD IN COMMITTEE <input type="checkbox"/> TABLED <input type="checkbox"/> DEFERRED <input type="checkbox"/> RECONSIDERED <input type="checkbox"/> FILED <input type="checkbox"/> ADOPTED AS AMENDED <input type="checkbox"/> AMENDED <input type="checkbox"/> ACCEPTED <input type="checkbox"/> SUBSTITUTED <input type="checkbox"/> AMENDED SUBSTITUTE <input type="checkbox"/> FILED BY COMMITTEE <input type="checkbox"/> REFERRED TO ZRB AND ZC <input type="checkbox"/> REFERRED WITHOUT OBJECTION <input type="checkbox"/> ADOPTED ON SUBSTITUTE <input type="checkbox"/> ADOPTED SUBSTITUTE AS AMENDED <input type="checkbox"/> FORWARDED WITH NO RECOMMENDATI <input type="checkbox"/> REFERRED TO SC <input type="checkbox"/> FILED WITHOUT OBJECTION <input type="checkbox"/> FAILED <input type="checkbox"/> FORWARDED TO FC/NQ <input type="checkbox"/> FAVORABLE ON SUBSTITUTE						
			YES/AYE	NO/NAY	ABSTAIN	ABSENT
MICHAEL JULIAN BOND	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MATT WESTMORELAND	SECONDER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANDRE DICKENS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CARLA SMITH	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
AMIR R FAROKHI	MOVER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
CLETA WINSLOW	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NATALYN MOSBY ARCHIBONG	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JENNIFER N IDE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HOWARD SHOOK	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JP MATZIGKEIT	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUSTIN HILLIS	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ANDREA L BOONE	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MARCI COLLIER OVERSTREET	VOTER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
JOYCE M SHEPERD	VOTER	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	AWAY

ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT	ITEMS ADVERSED ON CONSENT
19-O-1050	41. 19-R-3183	80. 19-R-3227	120. 19-R-3266
19-O-1055	42. 19-R-3185	81. 19-R-3228	121. 19-R-3267
18-O-1063	43. 19-R-3188	82. 19-R-3229	122. 19-R-3268
19-O-1065	44. 19-R-3274	83. 19-R-3230	123. 19-R-3269
18-O-1673	45. 19-R-3192	84. 19-R-3231	
19-O-1038	46. 19-R-3193	85. 19-R-3232	
19-O-1061	47. 19-R-3194	86. 19-R-3233	
19-O-1063	48. 19-R-3195	87. 19-R-3234	
19-O-1064	49. 19-R-3196	88. 19-R-3235	
19-O-1069	50. 19-R-3197	89. 19-R-3236	
19-O-1072	51. 19-R-3198	90. 19-R-3237	
19-O-1073	52. 19-R-3199	91. 19-R-3238	
19-O-1075	53. 19-R-3200	92. 19-R-3239	
19-O-1076	54. 19-R-3201 <b>ITEMS</b>	93. 19-R-3240	
19-O-1060	<b>ADVERSED ON</b>	94. 19-R-3241	
19-O-1021	<b>CONSENT</b>	95. 19-R-3242	
19-O-1022	55. 19-R-3202	96. 19-R-3243	
19-O-1023	56. 19-R-3203	97. 19-R-3244	
19-O-1024	57. 19-R-3204	98. 19-R-3245	
18-O-1359	58. 19-R-3205	99. 19-R-3246	
19-R-3169	59. 19-R-3206	100. 19-R-3247	
19-R-3184	60. 19-R-3207	101. 19-R-3248	
19-R-3270	61. 19-R-3208	102. 19-R-3249	
19-R-3186	62. 19-R-3209	103. 19-R-3250	
19-R-3189	63. 19-R-3210	104. 19-R-3251	
19-R-3190	64. 19-R-3211	105. 19-R-3251	
19-R-3191	65. 19-R-3212	106. 19-R-3252	
18-R-4510	66. 19-R-3213	107. 19-R-3253	
19-R-3271	67. 19-R-3214	108. 19-R-3254	
19-R-3272	68. 19-R-3215	109. 19-R-3255	
19-R-3275	69. 19-R-3216	110. 19-R-3256	
19-R-3276	70. 19-R-3217	111. 19-R-3257	
19-R-3277	71. 19-R-3218	112. 19-R-3258	
19-R-3278	72. 19-R-3219	113. 19-R-3259	
19-R-3783	73. 19-R-3220	114. 19-R-3260	
19-R-3273	74. 19-R-3221	115. 19-R-3261	
19-R-3078	75. 19-R-3222	116. 19-R-3262	
19-R-3079	76. 19-R-3223	117. 19-R-3263	
19-R-3080	77. 19-R-3224	118. 19-R-3264	
19-R-3081	78. 19-R-3225	119. 19-R-3265	
	79. 19-R-3226		



**MAYOR'S ACTION AUTHENTICATION PAGE**



**19-O-1038**

**Adopted by the Atlanta City Council  
March 4, 2019**

